

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL NO. 3:04-cv-00094-W**

**URBAN SPORTS AND
ENTERTAINMENT GROUP, LLC,**

Plaintiff,

vs.

MBC GOSPEL NETWORK, LLC,

Defendant.

ORDER

THIS MATTER is before the Court on Defendant's Motion to Dismiss (Doc. No. 5) and Plaintiff's Motion for Partial Summary Judgment (Doc. No. 16). Pursuant to the oral ruling entered in open court on September 27, 2006, Defendant's Motion to Dismiss is DENIED, and Plaintiff's Motion for Partial Summary Judgment is GRANTED on Plaintiff's breach of contract claim in the amount of \$398,916.98, plus \$5,615.52 in interest to April 30, 2004, plus interest at 8% from April 30, 2004, until the date of judgment, plus interest at the federal statutory rate from the date of judgment until satisfied, plus actual attorneys' fees in the amount of \$34,001.00, plus costs of \$1,369.31. In light of surviving claims, the Court declines to direct the entry of final judgment under Rule 54(b) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

Signed: September 29, 2006



Frank D. Whitney
United States District Judge

